

UCLA Faculty Association

News and opinion from Dan Mitchell since 2009

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Monday, September 9, 2024

♪Take Us Out of the Ball Game♪

From the [LA Times](#): *A federal judge [last] Friday ordered the U.S. Department of Veterans Affairs to build more than 2,500 units of housing for low-income veterans on its West Los Angeles campus. In a 124-page decision following a non-jury trial, U.S. District Judge David O. Carter also ruled that leases to UCLA, Brentwood School and others on the VA property are illegal because they don't principally serve veterans. UCLA's Jackie Robinson baseball stadium is on 10 acres leased from the VA...*

The ruling did not specify what should happen to the VA's leases with UCLA, Brentwood School and others but said the "court will determine an exit strategy" after more hearings...

UCLA's media office issued a statement saying the university is reviewing the decision to see how it will affect its "public service partnership" of more than 70 years with the VA. "Working with the VA to serve veterans continues to be one of our key objectives as part of UCLA's mission of teaching, research and public service," it said...

Full story at <https://www.latimes.com/california/story/2024-09-06/va-must-build-more-housing-on-west-l-a-campus-and-ucla-and-brentwood-school-leases-are-illegal-judge-rules>.

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From the court's decision:

Each administration since 2011 has been warned—by the VA's own Office of the Inspector General, federal courts, and veterans—that they were not doing enough to house veterans in Los Angeles. Despite these warnings, the VA has not made good on its promise to build housing for veterans. Instead, it has continued leasing portions of the West Los Angeles campus to a private school, UCLA's baseball team, an oil company, and other private interests. The cost of the VA's inaction is veterans' lives...

Now, the West LA VA promises they finally have a plan that will end veteran homelessness in Los Angeles—but only if the plaintiffs leave them alone and the Court does not issue an injunction. After years of broken promises, corruption, and neglect, it is no surprise that veterans are unwilling to take them at their word. The Court finds Plaintiffs are entitled to injunctive relief in the form of additional housing at the Grounds and termination of the illegal land-use agreements...

The statute's language is clear and unambiguous: any land use agreement that the VA executes on the West LA VA Grounds must be veteran-focused. That is, leases with UCLA must predominantly focus on veterans, and leases with all other third parties must "principally benefit veterans." This interpretation of the Leasing Act's text is consistent with the legislative context in which Congress passed the Leasing Act...

*The statute does not define the second element—that the "predominant focus" of the lessee be the provision of services to veterans. When a statute does not define a phrase, courts often look to a dictionary published soon after the statute was passed for the definition. See, e.g., *Taniguchi v. Kan Pac. Saipan, Ltd.*, 566 U.S. 560, 566 (1997); *Chacon v. Wilkinson*, 988 F.3d 1131, 1133 (9th Cir. 2021). The American Heritage Dictionary defines "predominant" as "main." *Predominant*, American Heritage Dictionary, <https://www.ahdictionary.com/word/search.html?q=predominant> (last visited August 31, 2023). Another dictionary defines the word as "preeminent." *Predominant*, Dictionary.com, <https://www.dictionary.com/browse/predominant> (last visited August 31, 2024). Thus, under the Leasing Act, a necessary feature of any lease with UCLA is that UCLA's main focus of its activities on the West LA VA Grounds is providing services to veterans. Any agreement with UCLA where UCLA's main focus is not veterans violates the Leasing Act, and consequently the VA's fiduciary duty to veterans...*

The Court holds that the VA's lease with UCLA violates the agency's fiduciary duty to veterans, because UCLA's main or predominant focus under the lease is not the provision of services to veterans...

The value of some of the in-kind services that UCLA provides is questionable. For instance, UCLA provides free tickets for veterans and free refreshments at its baseball games. UCLA claims the full price of these tickets as part of its in-kind consideration. UCLA acknowledged that for most of the games, there are hundreds of empty seats in the stadium. Trial Tr. Aug. 22,



The Council of UC Faculty Associations

- Faculty File Historic Academic Freedom Unfair Labor Practice Charges Against UC
- Union Letter to UC with Benefits Demands
- We Oppose Deprofessionalizing Librarians
- We Oppose AB-1418's Inadequate Protection from the Harms of Facial Recognition Tech
- We Oppose SB-1287's Restrictions on Protected Speech

Remaking the University

- [The Authoritarian Personality Comes to College](#) - 5/2/2024
- [The New McCarthyism Intensifies](#) - 4/30/2024
- [THE STRIKE](#) - 12/6/2022

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2024, 19:7-17. As a result, many other complimentary tickets are distributed besides those given to veterans.

Even assuming the in-kind services were correctly valued, the fact remains that the leased land is predominantly, and almost exclusively, used for UCLA's baseball program. UCLA has approximately 26 home games at the stadium per year, in addition to NCAA Regionals, Super Regionals, and some special events. *Id.* at 21:18-22. UCLA's focus during those times is hosting baseball games, not serving veterans. *Id.* at 69:17-21. UCLA's lease with the VA for its student athletic facilities therefore violates the Leasing Act, and by extension, the VA's fiduciary duty to veterans. Accordingly, the UCLA lease is void. To ensure the land is put to a use that principally benefits veterans, the Court will determine an exit strategy for UCLA's 10 acres following the hearing on injunctive relief...

The Court further holds that Plaintiffs are entitled to prospective relief. Specifically, the VA is enjoined from entering into new leases with the Brentwood School, Safety Park, Bridgeland Resources, and UCLA... The Court will decide the specifics of the injunction, including how to best manage the lessees' exits from the West LA VA Grounds, following a hearing on injunctive relief scheduled for September 25, 2024...

Full decision at <https://www.cacd.uscourts.gov/sites/default/files/Dkt.%20302%20Post-Trial%20Opinion%3B%20Findings%20of%20Fact%20and%20Conclusions%20of%20Law.pdf>.

Posted by California Policy Issues at [6:30 AM](#) No comments:
Labels: [athletics](#), [UCLA](#)

Water with the Guv



UC President Drake appears - uncredited - in a "reel" (Facebook's version of a TikTok video) with the governor and it has something to do with renewable energy and water. Exactly what it has to do with Drake and UC is unclear. But TikToks and Reels are supposed to appeal to young people who often report they get their news from such sources. That statement, if true, means they have no idea of what's happening. Anyway, the video surely means something to someone.

You can see it below:

Or direct to <https://ia601700.us.archive.org/14/items/newsom-7-6-24-anti-trump/newsom%208-31-24%20renewable%20water.mp4>.

Posted by California Policy Issues at [6:00 AM](#) No comments:
Labels: [Drake](#), [governor](#), [politics](#)

Sunday, September 8, 2024

Upcoming Regents Agenda: Sept. 18-19, 2024

A preliminary agenda for the September meetings of the Regents is now available. In a few places, the various topics have been annotated below.

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**University of California Regents -
Agenda: September 18-19, 2024 -
Luskin Conference Center, UCLA**

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Wednesday, September 18, 2024

8:30 am **Board** (open session - includes public comment session)

Public Comment Period (30 minutes)

Remarks of the Chair of the Board

Remarks of the President of the

University

Remarks of the Chair of the Academic Senate

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Concurrent Meetings:

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9:30 am **Academic and Student Affairs Committee** (open session)

Agenda – Open Session

Action: Approval of the Minutes of the Meeting of July 17, 2024 and the Joint Meeting of the Academic and Student Affairs Committee and the Compliance and Audit Committee of July 17, 2024

A1 Discussion: UC Grad Slam: Making University of California Research Accessible to All

A2 Discussion: Task Force on Instructional Modalities Report

A3 Discussion: Innovation and Entrepreneurship Update

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12:30 pm **Governance Committee** (closed session)

Agenda – Closed Session

Action: Approval of the Minutes of the Meeting of May 15, 2024

G1(X) Discussion: Appointment of and Compensation for Vice President – UC National Laboratories, Office of the President

G2(X) Discussion: 2024-25 Systemwide Salary Program Increases for Certain Level One Senior Management Group Members

G3(X) Discussion: Market-Based Salary Adjustments for Certain UC Chancellors

G4(X) Discussion: Market-Based Salary Adjustments for Certain Level One Senior Management Group Employees, Office of the President

G5(X) Discussion: Incentive Compensation for Fiscal Year 2023-24 for Chief Investment Officer and Vice President – Investments, Office of the President

G6(X) Discussion: Collective Bargaining Matters

Note: UC's case against UAW 4811 - whether the spring strike violated the no-strike clauses in the various contracts - and the related PERB issues are likely to be discussed here.

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Upon end of closed session:

Governance Committee (open session)

3:00 pm Agenda – Open Session

Action: Approval of the Minutes of the Meeting of July 17, 2024

G1 Action: Approval of Appointment of and Compensation for Vice President – UC National Laboratories, Office of the President as Discussed in Closed Session

G2 Action: Approval of 2024-25 Systemwide Salary Program Increases for Certain Level One Senior Management Group Members as Discussed in Closed Session

G3 Action: Approval of Market-Based Salary Adjustments for Certain Chancellors as Discussed in Closed Session

G4 Action: Approval of Market-Based Salary Adjustments for Certain Level One Senior Management Group Employees, Office of the President as Discussed in Closed Session

G5 Action: Approval of Incentive Compensation for Fiscal Year 2023-24 for Chief Investment Officer and Vice President – Investments, Office of the President as Discussed in Closed Session

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Finance and Capital Strategies Committee (closed session)

Agenda – Closed Session

UCLA can be as neutral as the rest of them

Shifting Into Neutral: It's a Thing! - Part 2

Yale's Committee

Didn't want to let this issue slide

Numbers & Ratios - We Report; You Decide

9-11-01 at UCLA

Shifting Into Neutral: It's a Thing!

The times they are a'changing - Part 6

Take Us Out of the Ball Game,

Water with the Guy

Upcoming Regents Agenda: Sept. 18-19, 2024

Updated Subway Construction

Unclear - Part 2

Berkeley Chancellor Interview: Institutional Neutr...

Well, I'm sure I could write something...

What will the fall rules be? - Part 2 (Now we know)

The Great Santa Cruz Panic of '24

The Senate Wants to Be In (or maybe near) the Room...

Regents Special Retreat: Wednesday-Thursday

TMT in Hawaii in the Past Tense?

Some UC-Retirement Programs for September

Bus Stop

Burnout

Artwork for Westwood/V/A Subway Station

► August (65)

► July (64)

► June (72)

► May (87)

► April (63)

► March (66)

► February (68)

► January (69)

► 2023 (828)

► 2022 (719)

► 2021 (710)

► 2020 (914)

► 2019 (671)

► 2018 (595)

► 2017 (666)

► 2016 (715)

► 2015 (765)

► 2014 (704)

► 2013 (776)

► 2012 (839)

► 2011 (738)

► 2010 (431)

► 2009 (12)

Contributors

- California Policy Issues

- Toby Higbie

- UCLA Faculty Association

Action: Approval of the Minutes of the Meeting of July 17, 2024

F1(X) Discussion: Legal Compliance Regarding Cal Softball Field Renovation Project, Berkeley Campus

F2(X) Action: California Institute for Immunology and Immunotherapy at Research Park East, Los Angeles Campus: Business Terms

Note: This item refers to the recent acquisition of the Westside Pavilion by UCLA.

F3(X) Action: UCSF Clinical and Life Sciences Building, San Francisco Campus: Land Acquisition, Budget, Scope, Business Terms of Master Ground Lease, Lease Disposition and Development Agreement, and Space Lease; External Financing; Bond Financing; Gift of Real Property, and Authorized Third Party Indemnification and Ancillary Action:s

Upon end of closed session:

Finance and Capital Strategies Committee (open session)

Agenda – Open Session

Action: Approval of the Minutes of the Meeting of July 17, 2024

Consent Agenda:

F4A Action: Consent Item: La Jolla Outpatient Pavilion, San Diego Campus: Preliminary Plans Funding

F4B Action: Consent Item: Falling Leaves Foundation Medical Innovation Building, Irvine Campus: Budget Amendment and Interim Financing

F4C Action: Consent Item: Funding Reallocation, UC Davis Health: External Financing Approval, Sacramento Ambulatory Surgery Center and Folsom Medical Office Building

F5 Action: UCSF Clinical and Life Sciences Building, San Francisco Campus: Amendment Number 12 to the UC San Francisco 2014 Long Range Development Plan and Design Following Adoption of Findings Pursuant to the California Environmental Quality Act

F6 Action: Parnassus Central Campus Site Improvements, San Francisco Campus: Budget, Scope, External Financing, and Design Following Adoption of Findings Pursuant to the California Environmental Quality Act

F7 Action: Cal Softball Field Renovation, Berkeley Campus: Amendment of Budget, External Financing, Scope, and Design Following Certification of an Environmental Impact Report Pursuant to the California Environmental Quality Act

F8 Discussion: Preliminary Discussion: of the University's 2025-26 Operating Budget

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Thursday, September 19, 2024

8:30 am **Board** (open session - includes public comment session)

Public Comment Period (30 minutes)

Approval of the Minutes of the Meetings of July 17 and 18, 2024

Remarks from Student Associations

9:20 am **Compliance and Audit Committee** (open session)

Agenda – Open Session

Action: Approval of the Minutes of the Meeting of July 17 and the Joint Meeting of the Academic and Student Affairs Committee and the Compliance and Audit Committee of July 17, 2024

C1 Action: University of California Compliance with State Assembly Bill 481

Note: AB 481 of 2021 requires disclosure by police agencies including UCPD of acquisition of military equipment.

Upon end of open session:

10:15 am **Compliance and Audit Committee** (closed session)

Action: Approval of the Minutes of the Meeting of July 17, 2024

C2(X) Action: Recommended Settlements for Board Action:

Various settlements are listed

C3(X) Discussion: Appellate, Trial Court Developments and Updates

Various cases at different stages are listed. Included are:

THE LOUIS D. BRANDEIS CENTER, INC., et al. v. REGENTS, et al. – Motion to Dismiss Pending – Equal Protection – Berkeley (antisemitism)

PROTEST-RELATED CASES – Various Activity – Multiple Campuses

TUITION AND FEES REFUND CLASS ACTIONS – Petition for Review Filed – Claims Seeking Refunds Based on COVID-Related Actions – Systemwide

KLEIN v. REGENTS – Trial Commencing – Retaliation/False Light – Los Angeles

Note: For information on Klein v. Regents - a case that indirectly stemmed from the George Floyd era - see <https://dailybruin.com/2022/04/14/ucla-lecturers-lawsuit-will-go-to-trial-following-tentative-ruling-on-motions>. A decision against the Regents, or even an out-of-court settlement, is likely to attract significant attention.

C4(X) Information Settlements and Separation Agreements under Delegated Authority Reported from June 1, 2024 to July 31, 2024

Board (closed session)

Agenda – Closed Session

Action: Approval of the Minutes of the Meetings of June 4, June 12, and July 18, 2024

Committee Reports Including Approval of Recommendations from Committees:

-Compliance and Audit Committee

-Finance and Capital Strategies Committee

-Governance Committee

Upon end of closed session:

Board (open session)

Agenda – Open Session

Committee Reports Including Approvals of Recommendations from Committees:

-*Academic and Student Affairs Committee*

-*Compliance and Audit Committee*

-*Finance and Capital Strategies Committee*

-*Governance Committee*

-*Health Services Committee (meeting of August 14, 2024)*

10:45 pm **Investments Committee** (open session)

Agenda – Open Session

Action: Approval of the Minutes of the Meeting of July 17, 2024

I1 Discussion: *Review of Fiscal Year 2023–24 Performance for UC Retirement, Endowment and Working Capital Assets*

12:15 pm **Board** (open session)

Agenda – Open Session

B1 Discussion: State of Staff at the University of California

B2 Discussion: UC Olympians at the Paris Games: Insights and Reflections

Officers' and President's Reports:

-*Report of Interim, Concurrence, and Committee Action:*

-*Report of Materials Mailed Between Meetings*

1:30 pm **Special Committee on Athletics** (open session)

Agenda – Open Session

Action: Approval of the Minutes of the Meeting of May 14, 2024

S1 Discussion: Student-Athlete Perspectives: UC Merced

S2 Discussion: Campus Athletics Overview: UC Berkeley and UC Riverside

Note: It will be interesting to see if the fiscal issues surrounding Berkeley athletics will be discussed.

Upon end of open session:

Agenda – Closed Session

Special Committee on Athletics (closed session)

S3(X) Discussion: Student-Athlete Anti-Trust Litigation

Note: As we have noted in numerous postings, the issue of pay for athletes is a Big Deal.

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Source: <https://regents.universityofcalifornia.edu/meetings/agendas/sept24.html>.

Posted by California Policy Issues at 6:00 AM No comments:

Labels: academic freedom, athletics, diversity, UC Regents

Saturday, September 7, 2024

Updated Subway Construction



Westwood/UCLA Station Construction

Summary

Metro contractors will continue construction activities for the future Westwood/UCLA Station within UCLA Lot 36. Activities may require temporary lane closures to access the Wilshire Bl deck panels. Work includes excavation, hauling, bracing installation, lagging, station ventilation installation, and utility support. The SOE removal and concrete work has begun and will continue for a year.

Date: Ongoing through Summer 2025

Work Hours: Weekdays and Weekends

5am to 4:30 pm and 7:30 pm to 5 am

Hauling: 6:30 am to 5 pm

Support of Excavation, Soil Nail Wall, Struts work, and Lowering of Structural steel

Dates: Ongoing through November 2024

Work Hours:

Weeknights: 9 pm to 6 am

Weekends: 6 am to 2 pm and 4 pm to 2 am, continue through 2024

Temporary Traffic Control: Intermittent closures

Phase 1- Weeknights, 9pm to 6am and continuously Friday to Monday from 9pm to 6am

- The Westwood southbound lane and right turn pocket restricted between Lindbrook Dr and Wilshire Bl.
- Two westbound Wilshire Bl lanes will be restricted between Glendon Av and Gayley Av
- The west leg crosswalk on Wilshire Bl and Westwood Bl will be restricted.
- One northbound lane on Gayley Av will be restricted from Wilshire Bl to Lindbrook Av.
- The north leg crosswalk at Wilshire Bl and Gayley Av will be restricted.
- The eastbound left turn pockets between at the intersection of Gayley Av and Wilshire Bl will be restricted.

Phase 2- Weekdays, 7 am to 4:30 pm, Sunday, 7 am to 4:30 pm, and Friday to Monday continuously from 9 pm to 6 am

- The Westwood southbound left turn pocket and one lane will be restricted between Lindbrook Dr and Wilshire Bl.
- Three westbound Wilshire Bl lanes will be restricted between Glendon Av and Veteran Av.
- A southbound Westwood Bl right turn pocket will be restricted between Lindbrook Dr and Wilshire Bl.

- A southbound Gayley Av right turn pocket will be restricted between Lindbrook Dr and Wilshire Bl.

Phase 3: Weekdays, 9 am to 3:30 pm

- Three westbound Wilshire Bl lanes will be restricted from Glendon Av to Veteran Av
- A southbound right turn pocket at Westwood Bl between Lindbrook Dr and Wilshire Bl will be restricted.
- A southbound right turn pocket at Gayley Av between Lindbrook Dr and Wilshire Bl will be restricted.

Traffic Control: 9 pm to 6 am

- Wilshire Bl will have intermittent lane reductions in both directions between Glendon Av and Veteran Av.
- Left turns for Wilshire Bl may be closed at different times at Gayley Av, Westwood Bl, and Glendon Av.
- Some intermittent crosswalk closures may be implemented. Three crosswalks will be open at each intersection at all times.
- Gayley Av may have lane reductions between Lindbrook Dr and Ashton Av.
- Westwood Bl may have lane reductions between Lindbrook Dr and Ashton Av.
- Glendon Av may have lane reductions between Lindbrook Dr and Wilshire Bl.
- Trucks will continue to use the driveways on Veteran Av and Wilshire Bl. Staging of trucks will occur inside the yard. The right turn pocket at Gayley Av and Wilshire Bl will be restricted, as well as the lane closest to the curb along Wilshire Bl between Gayley Av and Veteran Av. Hauling is expected between 9am and 3:30pm ongoing through November 2023.
- Some intermittent sidewalk closures may be implemented in the work zones. The sidewalks on the north side and south side of Wilshire Bl will not be closed at the same time.

Noteworthy

- All work has received necessary permits and approvals.
- Access for pedestrians will be maintained outside of construction zones.
- Access for the Fire Department and emergency responders will be maintained.
- Parking restrictions will be implemented in the immediate area of the work zone.
- Construction is dynamic and schedules are subject to change.
- 24/7 Hotline: 213-922-6934

Posted by California Policy Issues at [11:08 AM](#) No comments:
Labels: [traffic](#), [transportation](#), [UCLA](#)

Unclear - Part 2



A few days ago, we posted about AB 2586, a bill now passed by the legislature and awaiting a decision by the governor to sign or veto.* The bill ostensibly would require UC and CSU to make undocumented students eligible for employment on the legal theory that the prohibition of such employment doesn't apply to state government entities.

The Regents, after several closed-door meetings at which such hiring was discussed, eventually dropped the idea on the grounds that such hiring would

be illegal for UC and would endanger federal funding. AB 2586, as yours truly noted, has some

fuzzy and unclear wording that makes it unclear whether it really requires the Regents to reverse their position.

Anyway, the [LA Times](#) has this update: ...Gov. Gavin Newsom has until Sept. 30 to decide whether to sign or veto the bill; his office declined to comment. Hundreds of supporters are planning to rally at the state Capitol on Thursday to press him to support the bill, as California is home to 1 in 5 of the nation's undocumented college students.

The ramifications are considerable, taking in humanitarian needs, legal risks and explosive politics. Amid a tight presidential contest between Vice President Kamala Harris and former President Trump, immigration is a major issue and some fear that a California law clearing the way for UC, CSU and community colleges to hire undocumented students would be political "red meat" to Republicans. Trump's running mate, Sen. JD Vance of Ohio, introduced a bill in March cutting off federal funding to universities that hire undocumented people — and he specifically called out UC for scrutiny...

Those politics have given some UC regents pause. "Do we really want to rattle the hornet's nest?" if Trump wins, asked Regent José Hernández. Although he wants UC to find a way to hire the undocumented students, he said, "you have to look at the political landscape." ...

"Unfortunately, AB 2586 does not protect our undocumented students or employees from prosecution, nor does it protect the University from the risks of potentially losing billions in federal dollars," UC Legislative Director Mario Guerrero wrote in a July letter to Sen. Anna Caballero (D-Salinas), who heads the Senate Appropriations Committee. UC receives more than \$12 billion in annual federal funding for research, student financial aid and healthcare. The system is the largest recipient of federally sponsored research — \$3.8 billion last year — among U.S. higher education institutions...

[Bill author David] Alvarez said UC would not be forced to comply with the law because the system has constitutional autonomy from the state. But he said he expects compliance so all of the state's public higher education systems are on the same page...

[Bill author David] Alvarez said UC would not be forced to comply with the law because the system has constitutional autonomy from the state. But he said he expects compliance so all of the state's public higher education systems are on the same page...

Full story at <https://www.latimes.com/california/story/2024-09-04/uc-csu-wary-about-bill-allowing-them-to-hire-undocumented-students>.

Posted by California Policy Issues at 6:00 AM No comments:

Labels: CSU, diversity, governor, legislature, politics, UC, UC Regents

Friday, September 6, 2024

Berkeley Chancellor Interview: Institutional Neutrality

Excerpt from Interview with Incoming UC-Berkeley Chancellor Richard Lyons, KQED, 8-28-24:

Activism is part of the Berkeley brand. Do you remember that being part of the culture when you were a student?

Rich Lyons: And it's still here. So we sometimes use the phrase 'Question the status quo,' right? This mindset — there's got to be a better way to do this. Oh, I love people who think that way; I really do. I thrive on that.



Conjure in your mind the president of a great private university in this country. I won't specify anyone, but just imagine one that you're very familiar with. And then imagine me as the president of that university standing up and saying, 'This university, we're all about questioning the status quo.' Ain't going to happen. It doesn't mean their scholars aren't questioning the status quo. But it's not where they come from. It's not their history. It's sort of like, are you ready to say 'question the status quo' and stand by it? So Berkeley still says that.

Activism is probably the biggest issue on college campuses right now. How are you thinking about that as this new school year, the first of your tenure as chancellor, begins?

One of the things that's distinguishing what we're going through right now is if you thought about the Free Speech Movement or anti-Vietnam, a lot of those were sort of students versus the administration. Here, it's students opposing students. It's faculty opposing faculty. It's staff opposing staff. And we're up against that in society. The idea that being in Berkeley is a reflection of society.

If we think about how do we manage that? There's actually an opportunity to lead. How do we get people talking to each other more and understanding a little bit better and empathizing a little bit more across these deep divisions, these identity divisions in many cases?

So when people ask me, 'What are you going to do if X happens?' it's sort of like, OK, if X happens, are we talking about a Berkeley student? Or is X driven by an unaffiliated person who's on the Berkeley campus? That's a consideration. Is it designed to be intimidating and harassing? Or is it not? There are limits to free speech in this country. Inciting lawlessness is not OK under the First Amendment.

The way I think about it is there are hundreds of places on the Berkeley campus and hundreds of ways for our students to express their free speech rights. We don't just condone that; we

encourage it. So if a student is standing in front of the main gate on campus and is professing views, it's sort of like, good on you. If they then block an opening, then the idea is you've just stepped into civil disobedience, which is a different thing.

One of the criticisms about the way UCLA handled its protests was that it didn't equally protect both Jewish and pro-Palestinian students. How do you work to feel that both of those student communities feel safe on a campus like UC Berkeley?

We actually have a positive obligation under what's called Title IX of the Civil Rights Act to make sure that students are given full access to all the educational opportunities without harassment, without intimidation. And at the same time, we have a positive obligation to allow for free speech under the First Amendment.

So I think part of it is how do we do the best that we can in a content-neutral way? That's the key idea here. If somebody says, we're going to allow that to happen because it feels like it's more likely to be on the right side of history, it's like, No! We're not going to do that anymore. I'm moving this university in the direction of institutional neutrality.

Full interview at <https://www.kqed.org/news/12002011/new-uc-berkeley-chancellor-sees-opportunity-as-new-semester-of-campus-activism-kicks-off>.

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